

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Lemon, Mollie[Lemon.Mollie@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ethan Barton
Sent: Fri 4/15/2016 8:10:22 PM
Subject: Re: Superfund questions from 4/13

Got it, thanks.

On Fri, Apr 15, 2016 at 4:09 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

From a spokesperson:

The 3,009 number includes sites that are not on the National Priorities List (NPL) but are Superfund sites that had cleanup work done, for example, as removal actions or under the Superfund Alternative Approach (SAA).

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, April 15, 2016 12:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: Re: Superfund questions from 4/13

These are great, thank you. One follow-up:

"Negotiated 6774 cleanup agreements to perform work, pay for cleanup, or reimburse the government for cleanup work at **3009 Superfund sites.**"

Haven't there only been 1,719 superfund sites total? (adding the current sites and the deleted sites: <https://www.epa.gov/superfund/superfund-national-priorities-list-npl>)

On Fri, Apr 15, 2016 at 12:41 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

They are done. Please attribute to an agency spokesperson.

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that delays action." (<http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse>)

How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Specifically, I'm looking for:

Q1 and Q3. How the EPA improved efficiency regarding the "transaction costs" for lawyer and consultant fees mentioned in the article, which says such fees

accounted for 1/4 of Superfund spending. How the EPA ensures "interminable litigation" no longer "delays action."

A1 and A3. We encourage you to look at more recent coverage of the Superfund program, such as this [December 2014 National Geographic article](#). Regarding your enforcement questions, amendments and reforms to CERCLA have encouraged and promoted the use of voluntary settlements, which result in less protracted and litigious interaction with PRPs.

Since 1980, the Superfund enforcement program has:

- Negotiated 6774 cleanup agreements to perform work, pay for cleanup, or reimburse the government for cleanup work at 3009 Superfund sites.
- Negotiated 632 settlements with 32,921 small waste contributors at 277 Superfund sites.
 - Obtained over \$35.1 billion in private party commitments for cleanup work conducted at approximately 2551 NPL and Non-NPL sites.
 - Obtained over \$6.9 billion in cost recovery of past cleanup costs.

Q2.How the EPA improved cost-efficiency regarding how "slightly contaminated soil that might have been paved over or otherwise quarantined at modest cost has been dug up and incinerated at great cost."

A2. Over the last decade or longer incineration remedies have become rare in Superfund cleanups. One of the clear trends in remedies at Superfund sites is an increase in the selection of targeted in situ remedies, which tend to focus the greatest efforts in areas of higher contaminant concentration. In situ thermal treatment methods, in general, are ways to move or mobilize harmful chemicals through soil and groundwater for treatment onsite which can be quicker and cheaper. On average, half of recent source treatment Superfund decision documents at NPL sites included in situ treatment, as highlighted in the [14th Edition of the Superfund Remedy Report](#). This trend is also evident in groundwater cleanup projects. In general, we are using the whole portfolio of tools to clean up contaminated sites, and we find that more recent remedies often addressed complex sites involving more than one contaminated media by selecting remedial strategies with multiple components to target different site areas, media or both. Often more aggressive remedies are used for areas of higher contamination or risk, while less intensive and expensive options are applied elsewhere.

Q4. I'd also like a response to how the Times said Superfund "failed the performance test" by only cleaning 217 sites, and how that number has only risen to 391 after 22 years.

A4. Because it takes many years for a site to achieve final cleanup levels, the Agency believes construction completion is an important site progress milestone. At sites that are construction complete, physical construction of all cleanup actions are complete, all immediate threats have been addressed, and all long-term threats are under control. As of April 14, 2016, 70 percent (i.e., 1178) National Priorities List construction completions (CCs) have been achieved. In addition, five CCs have also been achieved at Superfund Alternative Approach sites over the life of the Superfund Program to date.

In addition, the Sitewide Ready for Anticipated Use (SWRAU) measure was developed to comply with EPA's responsibility to report long-term, outcome-based accomplishments under the Government Performance and Results Act. In order for a site to be designated SWRAU, all aspects of the cleanup are in place and have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks, all land use restrictions or other controls required as part of the cleanup are in place, and the site has reached the construction completion milestone. At the end of FY15, 752 sites had achieved SWRAU status.

For a full list of program accomplishments, broken down by year, please go to: <https://www.epa.gov/superfund/superfund-remedial-annual-accomplishments>.

Christie St. Clair

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]

Sent: Friday, April 15, 2016 12:26 PM

To: Lemon, Mollie <Lemon.Mollie@epa.gov>

Cc: StClair, Christie <StClair.Christie@epa.gov>

Subject: Re: Superfund questions from 4/13

Christie, will these be finished today?

Thanks.

On Thu, Apr 14, 2016 at 2:37 PM, Ethan Barton
<ethan@dailycallernewsfoundation.org> wrote:

Excellent, thank you.

On Thu, Apr 14, 2016 at 2:37 PM, Lemon, Mollie <Lemon.Mollie@epa.gov>
wrote:

Hi Ethan,

Christie St. Clair (CC'ed) will be getting back to you re: your Superfund questions. We've also received your questions on Gold King Mine.

Thanks,

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]

Sent: Thursday, April 14, 2016 2:22 PM

To: Lemon, Mollie <Lemon.Mollie@epa.gov>

Subject: Re: Superfund questions from 4/13

Mollie, I can extend my deadline for the end of business tomorrow for my questions regarding the NYT article on superfund. However, I have a hard deadline of end of business today for new inquiries on Gold King Mine in light of recent findings. I'll send them over to the general press EPA inbox in case you're not the right person to send those to, but I'll copy you on them all well.

Thanks,

Ethan

On Thu, Apr 14, 2016 at 11:41 AM, Ethan Barton
<ethan@dailycallernewsfoundation.org> wrote:

Great, thanks. Let me know what your prediction on all responses are and I'll let you know what I can do about extending my deadline.

On Thu, Apr 14, 2016 at 11:38 AM, Lemon, Mollie
<Lemon.Mollie@epa.gov> wrote:

I'll check. We can certainly focus on those two questions for COB today, and will aim for the others.

Thanks,

Mollie

From: Ethan Barton [<mailto:ethan@dailycallernewsfoundation.org>]
Sent: Thursday, April 14, 2016 11:36 AM
To: Lemon, Mollie <Lemon.Mollie@epa.gov>

Subject: Re: Superfund questions from 4/13

Do you have an estimate when you could get back to me? I may be able to push my deadline some, but if not, the most important parts are the comparison of NPL deletions and the "interminable litigation."

On Thu, Apr 14, 2016 at 11:26 AM, Lemon, Mollie
<Lemon.Mollie@epa.gov> wrote:

Hi Ethan,

I can work with our program staff on your request. Is there any flexibility on your deadline? I'm not sure we'll be able to meet a deadline of COB today.

Thanks,

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

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From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 11:11 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>

Subject: Re: Superfund questions from 4/13

Great, thanks Julia, thanks Mollie.

On Thu, Apr 14, 2016 at 11:10 AM, Valentine, Julia
<Valentine.Julia@epa.gov> wrote:

Hi Ethan,

This is actually handled by Mollie Lemon in our office. I
have copied her here and she can work with the
Superfund program.

Julia P. Valentine

Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 10:48 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: Superfund questions from 4/13

See below:

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that delays action."
(<http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse>)

1. How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Specifically:

2. How has the EPA improved efficiency regarding the "transaction costs" for lawyer and consultant fees mentioned in the article, which says such fees accounted for 1/4 of Superfund spending?

3. How has the EPA improved cost-efficiency as a whole for Superfund in regards to the numerous studies, remedial design, construction, remedial action, etc.?

The Times article used the example that "slightly contaminated soil that might have been paved over or otherwise quarantined at modest cost has been dug up and incinerated at great cost."

4. How does the EPA ensure "interminable litigation" no longer "delays action"?

I'm looking for specific improvements for these or comments that explain why such improvements were unnecessary.

Thanks,

Ethan

On Thu, Apr 14, 2016 at 10:42 AM, Ethan Barton
<ethan@dailycallernewsfoundation.org> wrote:

Great, thanks Julia. I'll send them to you in just a minute.

On Thu, Apr 14, 2016 at 10:41 AM, Valentine,
Julia <Valentine.Julia@epa.gov> wrote:

Yes, sir!

I am putting together the questions from the email Christie copied me on. So if you send one new, clean email with your qs as of now, that would be awesome!

Thanks you

Julia P. Valentine

Office of Public Affairs

U.S. EPA

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From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 10:40 AM
To: Valentine, Julia
<Valentine.Julia@epa.gov>
Subject: Superfund questions from 4/13

Hi Julia,

I sent Christie StClair some questions regarding Superfund yesterday with a deadline for end of business today. I just pinged her to remind her and received a bounce back that she's out of the office.

I just wanted to confirm that my responses are being worked on. I can resend my inquiries if necessary.

Thanks,

Ethan

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Ethan Barton

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